



The Attorney General of Texas

November 9, 1981

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Mr. Robert V. Shattuck, Jr.
City Attorney
P.O. Box 779
Galveston, Texas 77550

Dear Mr. Shattuck:

You have requested our decision under the Open Records Act, article 6252-17a, V.T.C.S., as to the availability of records maintained by the city fire marshal.

In May, 1981, the city fire marshal of Galveston completed an investigation into a fire which had occurred on February 12, 1981. The records at issue consist of the report of that investigation, dated May 22, 1981, an offense report detailing the original incident, together with a supplementary offense report, and a voluntary statement given by a witness. You state that the matter is still under investigation by the fire marshal's office, and that no determination has been reached by the district attorney as to whether to initiate prosecution. You contend that the records are excepted from disclosure by section 3(a)(8), as "records of law enforcement agencies that deal with the detection and investigation of crime...."

You indicate that certain basic information from the offense report has been made available to the requestor in accordance with the guidelines delineated in Open Records Decision No. 127 (1976). Since the matter is still under investigation and since no decision about whether to prosecute has been made, other portions of the file may be withheld from disclosure under section 3(a)(8). See Open Records Decision Nos. 252 (1980); 216 (1978).

Very truly yours,

MARK WHITE
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